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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,288	09/28/2001	Daniel Y. Abramovitch	10981982-1	6782

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AGILENT TECHNOLOGIES, INC.
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EXAMINER	
NGUYEN BA, PAUL H	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/967,288	ABRAMOVITCH, DANIEL Y.	
	Examiner	Art Unit	
	Paul Nguyen-Ba	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/28/03, 9/28/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Information Disclosure Statement filed on July 28, 2003.

2. Claims 1-30 have been considered. Claims 1 and 17 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 11-13, 17-20, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Austin, U.S. Patent No. 6,763,395.

Austin teaches the method for creating one or more web pages from processed measurement data (see Abstract and Figs. 7A, 7B, 9 and 10), comprising:

Independent Claim 1

providing at least one routine capable of accessing said processed measurement data and generating said one or more web pages; and running said at least one routine to generate said

one or more web pages, said one or more web pages including at least information representing said processed measurement data (see col. 9, lines 17-26; col. 11, lines 33-35; col. 20, lines 20 *et seq.* → URL generations manager instructs the plug-in to automatically generate mark up language code (i.e. HTML code) from the measurement data).

Claim 2

collecting raw measurement data obtained from a measuring device (see Abstract → measurement data from an instrumentation system; col. 2, lines 35-38 → measurement device; col. 10, lines 50-55 → "raw" data).

Claim 3

creating a measurement program to process said raw measurement data to produce said processed measurement data and generate said one or more web pages (col. 5, lines 5-10, 32-45 → software program for accessing and viewing data, such as live data, from a data server);

storing said measurement program on a web server (col. 13, lines 34-45; col. 18, lines 23-24);

entering a web address for said measurement program from a web browser to access said measurement program (Abstract, col. 1, lines 58-65; Figs. 7A, 7B, 9, and 10 → A URL includes a protocol scheme identifying the protocol to use for connecting to the data source); and

running said measurement program to produce said processed measurement data and generate said one or more web pages to said web browser (see col. 9, lines 17-26; col. 11, lines 33-35; col. 20, lines 20 *et seq.* → URL generations manager instructs the plug-in to automatically generate mark up language code (i.e. HTML code) from the measurement data).

Claim 11

including one or more graphics files capable of being displayed in-line and one or more graphics files suitable for document creation in said one or more web pages (see Figs. 7A, 7B, 9, and 10).

Claim 12

storing said one or more web pages on a web server for later retrieval and viewing (col. 18, lines 23-25 → URL identifies the location where the data is written).

Claim 13

accessing and viewing said one or more web pages using a web browser (see Abstract → "...using a standard user agent or client, such as a web browser.")

Independent Claim 17

Independent claim 17 incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

Claim 18

Claim 18 incorporates substantially similar subject matter as claim 2, and is rejected along the same rationale.

Claim 19

Claim 19 incorporates substantially similar subject matter as claim 3, and is rejected along the same rationale.

Claim 20

Claim 20 incorporates substantially similar subject matter as claim 3, and is rejected along the same rationale.

Claim 27

Claim 27 incorporates substantially similar subject matter as claim 12, and is rejected along the same rationale.

Claim 28

Claim 28 incorporates substantially similar subject matter as claim 13, and is rejected along the same rationale.

Claim 29

Claim 29 incorporates substantially similar subject matter as claim 11, and is rejected along the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-10 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin, U.S. Patent No. 6,763,395, in view of National Instruments LabView ("LabView"), Report Generation Toolkit for Microsoft Office User Manual, April 2001 Edition (*available at* http://www.ni.com/pdf/manuals/323060a.pdf), in further view of Magrabi, F. et al. ("Magrabi"),

"A Web-Based Approach for Electrocardiogram Monitoring in the Home", Intl. Journal of Medical Informatics, Vol. 54, No. 2, May 1999, pp. 145-150.

Claim 4

Austin teaches the method for creating one or more web pages from processed measurement data with respect to independent claim 1 as discussed above (see Abstract and Figs. 7A, 7B, 9 and 10), but does not specifically teach providing at least one variable file associated with a variable of said processed measurement data; and generating said one or more web pages to include said at least one variable file.

However, LabView teaches creating reports from existing templates wherein a user can insert placeholders for measurement data into documents (Word) and worksheets (Excel) and save the reusable templates. After you save this template, you can generate reports by opening the report template, inserting the measurement data into the placeholders, and displaying the resulting report for the purpose of increasing productivity in generating complex and highly formatted reports from LabView (see 3-1). Furthermore, it was commonly known to those of ordinary skill in the art that both Excel and Word files could easily be converted into an HTML Web page for the purpose of display on the Internet.

Since Austin and LabView are both from the same field of endeavor, the purposes disclosed by LabView would have been recognized in the pertinent art of Austin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin with the teachings of LabView to include at least one variable

file associated with a variable of said processed measurement data for the purpose of increasing productivity in generating multiple complex and highly formatted reports from LabView.

Claim 5

Austin, in view of LabView, teaches the method with respect to claim 4 as discussed above, but does not specifically teach the at least one variable including user defined comments relating to an output of said processed measurement data.

However, Magrabi teaches the inclusion of doctor's notes relating to an output of a patient's ECG measurements and statistics (see pg. 150 – 1st full paragraph; Fig. 3) for the purpose of documenting information for future uses.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin, in view of LabView, with the teachings of Magrabi to include at least one variable including user defined comments relating to an output of said processed measurement data for the purpose of documenting information for future uses.

Claim 6

Austin, in view of LabView, in further view of Magrabi teaches the method with respect to claim 5 as discussed above, but does not specifically teach entering said at least one variable into at least one field on a web form; entering file names associated with at least said processed measurement data, said output and said one or more web pages into said at least one field on said web form; and automatically creating said one or more web pages using the information entered into said at least one field on said web form.

However, LabView teaches creating reports from existing templates wherein a user can insert placeholders for measurement data into documents (Word) and worksheets (Excel) and save the reusable templates (see 3-1). It was commonly known and would have been obvious at the time the invention was made to those of ordinary skill in the art that Excel and Word both teach entering said at least one variable into at least one field on a web form (see claim 4 discussion → Excel and Word Documents can be converted into a web form); entering file names associated with at least said processed measurement data, said output and said one or more web pages into said at least one field on said web form (see claim 4 discussion → enter file names to open reusable templates); and automatically creating said one or more web pages using the information entered into said at least one field on said web form (see claim 4 discussion above) for the purpose of increasing productivity in generating complex and highly formatted reports for display on the Internet.

Claim 7

Austin does not specifically teach including links to at least one web-compatible data file and at least one web-compatible output file in said one or more web pages. However, Magrabi teaches the linking of at least one web-compatible data and output files in the form of a drop-down list (see Fig. 3) for the purpose of effortless navigation and viewing of related data (measurement) files from a web browser.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin with the teachings of Magrabi to include including links to at least one web-compatible data file and at least one web-compatible output

file in said one or more web pages for the purpose of effortless navigation and viewing of related data (measurement) files from a web browser.

Austin does not specifically teach saving said processed measurement data to at least one web-compatible data file and at least one output of said processed measurement data to at least one web-compatible output file. It was commonly known and would have been obvious at the time the invention was made to those of ordinary skill in the art that processed measurement data should be saved to a web-compatible data and output file for the purpose of accessing and viewing the saved data (measurement) files from a web browser at a later date.

Claims 8 and 9

Austin does not specifically teach creating said at least one variable; and providing at least one user-created first routine for saving said at least one variable to at least one web-compatible variable file; providing at least one user-created second routine for saving said processed measurement data to said at least one web-compatible data file; and providing at least one user-created third routine for saving said output to said at least one web-compatible output file.

However, LabView teaches creating reports from existing templates wherein a user can insert placeholders for measurement data into documents (Word) and worksheets (Excel) and save the reusable templates. After you save this template, you can generate reports by opening the report template, inserting the measurement data into the placeholders, and displaying the resulting report for the purpose of increasing productivity in generating complex and highly formatted reports from LabView (see 3-1). Furthermore, it was commonly known to those of

ordinary skill in the art that both Excel and Word files could easily be converted into an output HTML Web page for the purpose of display on the Internet.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin with the teachings of LabView to include creating said at least one variable; and providing at least one user-created first routine for saving said at least one variable to at least one web-compatible variable file; providing at least one user-created second routine for saving said processed measurement data to said at least one web-compatible data file; and providing at least one user-created third routine for saving said output to said at least one web-compatible output file for the purpose of increasing productivity in generating multiple complex and highly formatted reports from LabView.

Claim 10

Austin, in view of LabView, does not specifically teach saving a file name of a user-created script for calling said first, second and third user-created routines as a link within said one or more web pages. However, Magrabi teaches the linking of at least one web-compatible data and output files in the form of a drop-down list wherein file names are saved in association with the date and time of the measurements (see Fig. 3) for the purpose of effortless navigation and viewing of related data (measurement) files from a web browser.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin with the teachings of Magrabi to include saving a file name of a user-created script for calling said first, second and third user-created routines as a link within said one or more web pages for the purpose of effortless navigation and viewing of related data (measurement) files from a web browser.

Claim 21

Claim 21 incorporates substantially similar subject matter as claim 4, and is rejected along the same rationale.

Claim 22

Claim 22 incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.

Claim 23

Claim 23 incorporates substantially similar subject matter as claim 6, and is rejected along the same rationale.

Claim 24

Claim 24 incorporates substantially similar subject matter as claim 7, and is rejected along the same rationale.

Claim 25

Claim 25 incorporates substantially similar subject matter as claims 8 and 9, and is rejected along the same rationale.

Claim 26

Claim 26 incorporates substantially similar subject matter as claim 10, and is rejected along the same rationale.

7. Claims 14-16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin, U.S. Patent No. 6,763,395, in view of Magrabi, F. et al. ("Magrabi"), "A Web-Based Approach for Electrocardiogram Monitoring in the Home", Intl. Journal of Medical Informatics, Vol. 54, No. 2, May 1999, pp. 145-150.

Claims 14, 15, and 16

Austin teaches the method for creating one or more web pages from processed measurement data with respect to independent claim 1 as discussed above (see Abstract and Figs. 7A, 7B, 9 and 10), but does not specifically teach providing at least one index creation routine capable of accessing said one or more web pages and generating at least one index web page including at least a listing of said one or more web pages; including a link to said one or more web pages within said at least one index web page; and including description information associated with said one or more web pages within said at least one index web page.

However, Magrabi teaches a web-based approach for electrocardiogram monitoring in the home wherein the measurement data web files are indexed as links according to date and time in the form of a drop-down list (see Fig. 3). Furthermore, Magrabi teaches the inclusion of doctor's notes relating to an output of a patient's ECG measurements and statistics (see pg. 150 – 1st full paragraph; Fig. 3) for the purpose of documenting information for future uses.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Austin, in view of LabView, with the teachings of Magrabi to include at least one index creation routine capable of accessing said one or more web pages and generating at least one index web page including at least a listing of said

one or more web pages; including a link to said one or more web pages within said at least one index web page; and including description information associated with said one or more web pages within said at least one index web page for the purpose of effortless navigation and viewing of related data (measurement) files from a web browser and for the purpose of documenting information for future uses.

Claim 30

Claim 30 incorporates substantially similar subject matter as claim 14, and is rejected along the same rationale.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (703) 305-8776. The examiner can normally be reached from 10:30 am - 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB

SANJIV SHAH
PRIMARY EXAMINER